

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GENE RHODES and KAREN RHODES,

Plaintiffs,

v.

VISA, INC., SERVICES CREDIT UNION  
and 1ST MIDAMERICA CREDIT UNION,

Defendants.

Case No. 10-cv-1044-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on the plaintiffs' Notice of Dismissal (Doc. 20) without prejudice of their claims against defendant Visa, Inc. pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss all of its claims against a party without a court order at any time before the opposing party serves an answer or a motion for summary judgment. Visa, Inc. has not served an answer or motion for summary judgment in this case. Because the plaintiffs have an absolute right to dismiss its case against Visa, Inc. at the present time, the Court finds that all claims against Visa, Inc. are **DISMISSED without prejudice.**

**IT IS SO ORDERED.**

**DATED: January 27, 2011**

s/ J. Phil Gilbert

**J. PHIL GILBERT**  
**DISTRICT JUDGE**